

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

KEVIN LYONS

v.

CA No. 05-174-T

A.T. WALL, ET AL.

ORDER OF REFERRAL TO MAGISTRATE JUDGE

Inmate Kevin Lyons brought this action to require the defendants to provide him with a diet that takes into account what Lyons alleges are recommendations from physicians based on Lyons' allergies to fish and shellfish as well as his Type II diabetes. A stipulation of dismissal was entered on June 13, 2005 pursuant to a settlement agreement brokered by Magistrate Judge Hagopian.

Lyons, now, has filed what he denominates as a "cease and desist order" alleging that the defendants have failed to comply with the settlement agreement and seeking to restrain the defendants from taking any disciplinary action against him as a result of his insistence on compliance pending "a full hearing before Magistrate Hagopian to settle this matter."

Accordingly, Lyons' "motion" for a "cease and desist order" is hereby referred to Magistrate Judge Hagopian for:

1. Findings as to whether the defendants have breached the terms of the settlement agreement;
2. If so, a recommendation as to whether the defendants should be ordered to show cause why they should not be adjudged in contempt;
3. If there has been no breach of the settlement agreement, whether Lyons' "motion" for a "cease and desist order" should be denied.

By Order



Deputy Clerk

ENTER:

Ernest C. Torres
Ernest C. Torres
Sr. U.S. District Judge

Date: 6/24/08